

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RAFAEL A. SANCHEZ,

Plaintiff,

-against-

THE CITY OF NEW YORK; JOHN DOE
NYPD OFFICERS 1-5,

Defendants.

24-CV-5935 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff, who is appearing *pro se*, brings this action against the City of New York and five John Doe New York City Police Department officers alleging that on October 25, 2023, in Bronx County, the named officers seized Plaintiff's motorcycle. For the following reasons, the Court dismisses this action without prejudice.

DISCUSSION

On July 24, 2024, Plaintiff submitted to this court a near-duplicate complaint against the same Defendants named in this action and alleged the same set of facts. That case is presently pending before the Court under docket number 24-CV-5740 (LTS). Five days later, on July 29, 2024, Plaintiff filed the instant action. As the complaint filed in this action raises the same claims as raised in the 24-CV-5740 matter, no useful purpose would be served by litigating this duplicate lawsuit. Therefore, this complaint is dismissed without prejudice to Plaintiff's pending case filed under docket number 24-CV-5740 (LTS).

CONCLUSION

Plaintiff's complaint is dismissed as duplicative of *Sanchez v. City of New York*, No. 24-CV-5740 (LTS).

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Court directs the Clerk of Court to enter judgment in this action.

SO ORDERED.

Dated: August 7, 2024
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge